THE OMAHA DAILY 1BEE: FRIDAY, FEBRUARY 7, 1890.

the state are expected to be here on that night. The date was not set. A SECTION FOREMAN KILLED.

The Fatal Midnight Bide of Gus Holtzman Near Kearney.

2

STRUCK BY A PASSENGER TRAIN

One of His Limbs Broken in Several Places and His Head and Pace Horribly Disfigured -Other Nebraska News.

Death Ends a Drunk

Death Endes a Dense. The provide the service of the service of the the service of the service o

A Murderous Town Marshal.

Four Rommson, Nub., Feb. 6, -[Special to The Ban.]-Last Saturday night two men of the Eighth infantry were down town (Craw The regard ministry were down tows (Craw-ford) on pass, having a biasant line, and when about ready to return to their quarters they were approached by the town marshal and ordered to leave the town, which they, having done nothing to warrant this action. refused to de, when they were arrested by this officer, who, by the way, is said to have been drank at the time. After semie parter they were released from arrest by the officer and allowed to leave. After gaining the attent they are a strain and endeavored to get out of his way. A colored soldier of the Ninth carrier have a strain the direc-tion of loarier, when the marshal, coming up, to the cavairyman that if he did not want be get out of his way. A colored soldier of the Ninth carrier, when the marshal, coming up, toid the cavairyman that if he did not want to get into others, which he did, and in a short time afterwards he was from him. If them draw has pistel, which the soldier also took from him. The pistol was finally green back and the soldier tow and coming close up to the other way from him. If the ar-rest when he soldier the strank of the soldier took away from him. If the ar-rest when as they were going homeward fired is want to easi they ware for the in the but took away from him. The pistol was the soldier wand coming close up to the a strank way from him. If the ar-rest when a strank of the sold da re-corded when a way on prove and ware. The was they a justed that the them to jut of a system in the day on the sold da re-corded when a way on proved and ware. The way and the sold that the sold da re-corded have an exercise the post homey the sold asy on proved and ware. The wonded may was the sold and an discour-tion the sold is the sold and and have. The other man was confined, and an discour-tion the sold and way on proved and ware. The wonded in an was their to the post homey to here the sold proved and were. The wonded may a pusted and ware. The wonded may a pusted and ware. The wonded may was the of the prove house of Crawford citi ford) on pass, having a pleasant time, and when about ready to return to their quarters

National Grain Growers' Associatio FREMONT, Neb., Feb 6.-[Special to Tru BER.]-The Farmers' club of Nickerson this county, has for a long time had under Bun |--- The Farmers' cub of Nickerson, the scounty, has for a long time had under advisiment a plan for the organization of the function of the country is a grand grain trust, to be known as the National Grain Growery association. This idea, which originated wita J. C. Franklin of this city, one of Dodge country's wealthies farmers, has just taken shape, and an effort is now being made to carry out the idea. Circolars and pet-tions for organization have just been printed and will be scattered broadcast for the pur-pose of affecting the organization, or at loas to ascortain the fielding of the farmers of the country on the subject. This subject is just built to the subject. This subject is just to withely to create wide-spread interest. The plan of the association is to establish braddpaters at Freemont, where the National Grain Growers' Journal will be published, and will be the official organ of the associ-tion of organization of the association is to get and will be the official organ of the associ-tion of the subject of the association is to get and will be public of the association is to get and will be the official organ of the subject bind official of a standard prices that freight and will be a standard price of her organization ar-bit of the astondard price of an organization ar-bit of the astondard price of an organization ar-bit of the astondard price of her organization and estima at elect drivers, assis in form-bit of the astondard price of her organization ar-bit of the astondard price of her organization arbiter too high nor too low but the minimum price for which it can be priver by the standard prive the which it can be priver by an other priver or which it can be priver by a be order priver or which it can be priver by the standard priver or which it can be priver by the standard priver or which it can be priver by a bar the same priv

Kearney & Black Hills Direct

THE WESTERN ASSOCIATION. A County Commissioner Contest. A County Commissioner Contest. Prayon, Neb., Feb. 6... |Special to Tim Itz, I.-An interesting time was had yester-day afternoon when the county commission-ors mot at the court house. As has horsto-fors hoen mentioned, John Lemmon, bry lican, and Ashley Contrash, democrat, each ciatum to be the legally elected commissioner from Winnebage precinct. Lemmon, how ever, has held the seat without particular in From Weinsteage presents. Lemmon, now ever, has held the seas without particular in terraption until yesterday. A demand was made on him by Londrash at the inst meet-ng in January to vacute the seas, but he re-fused, and presterday soon after he had called the beard to order thewheriff appeared on the scene and informed Lemmon taking piled that he didn't care a same for his war-ract, whereapon the sheriff seleced him by one arm and another man by the other, and husted him ett of the room, dragging him into the court) (object of the other, and husted him ett of the room, dragging him into the court) of the room, dragging him into the court) on the other and torneys for Londrash asked a conclusation to the courts of the room, dragging thim the him of the court he the star-cierts office was crowded to the utmost tanding capacity at the time of the arrest, as the matter is attracting universal atten-tion, public opinion being pretty well di-vided as to which of the two claimants is entitled to be soat.

Business Changes at Ogallala

OGALLAIA, Nob., Fob. 6.- [Special to Tan BER.]-H. L. McWilliams, president of the Keith county bank and the controlling stockholder, has disposed of his entire interest to John H. Bassett of Norfolk, Coun. Mr Bassett was elected president, but no other chaoges are contemplated. He is repre-rented as a wealthy merchant of the above rented as a wealthy merchant of the above place, and as soon as he can dispose of his business in the east he intends to become one of Ognalitä's solid business men. Mr. Mc Williams will continue to reside here. The newsmaps business, He talks of baying out one of the three mapers here and will co-deaver to run a first class weakly. S. L. Wiley and R. H. Howell of the Orgal-lais Power and Trrigstion company nave dis-domed of their interest. Cantalists Prom Milwaukee, Wis, will succeed them. It is thought if the right parties talks had being any money out, will be withdrawn.

A Case County Physician Dead. Ptartmentrin, Neb., Feb. 6.—[Special Telegram to Tim Bin.]—Dr. George Black, one of the oldest physicians in Case county, was found doad at his home in this city this evening at 6 o'clock. His death was caused by heart disease. He had been alling for some time past and his sudden death will be keenly feit by a host of acquaintances throughout the state.

Plattemouth's Charity.

Plattemouth's Charity, Plattescourn, Neb., Fob. 6.-(Special Telegram to The Bine.(-The charitably in-clined citizens of this city have in the has cines actions of this city have in the has few days interested themselves a great doal in behalt of the destitute of South Dakota. They have already raised by subscriptions over a carload of provisions and clothing. A few farmers in this vicinity folday shipped a carload of event to the suffarers.

An Opera House Appraisement, Hastixos, Neb., Fob. 6.-[Special Tele-gram to Tur Bur,]-The opera house, owned by Senator Targart, now in litigation, was appraised today for \$40,000. The sale takes place next month, at which time San-ator Taggart will buy it in.

Dorchester Carries School Bonds. Description, Neb., Pob. 6.-(Special to THE BER.)-A special election was held here to yesterday for the purpose of voting \$10,000 houds for the erection of a new sectool building. The bonds carried vote of 12s to 55.

Madison Acquitted. Scorts, Neb., Feb. 6.—[Special Telegram to Tim Him.]—The jury in the case of the State vs Madison, after being out elember hours, returned a varilet of not guilty at o'clock p. m.

o'clock p. m. A Swindler Arrested. NERASKA CIT, Neb., Feb 6.-[Special Telegram to The Birz.]-Louis Howard was arrested here this evening, being wanted for obtaining goods under false preferases at

AN ADDRESS TO THE PEOPLE.

AN ADDRESS TO THE PEOPLE. The Colored Convention Speaks of the Negroes' Hights Wasnisorox, Fob. 6. -The colored men's convention here today elected ex-Senator Pinchback president of the national organi-tation and associd an address to the poople of the United States. Attention is called to the fact that popular electrons in many states in the south are farcical formalities, where the votes of colored men are suppressed by vio-lence or neutralized by fraud, their rights design of the states in the south are farcical formalities, where the votes of colored men are suppressed by vio-blence or neutralized by fraud, their rights design of the states in the south are farcical formalities, where there, mothers and states in minary states in oscippelic to travel in filthy and inferior ears. "Colored American citizens convicted of petty offenses through unfriedly courts are submitted while undergoing the sentence of said courts to cruci and inhuman treat-ment. In addition colored citizens, when any instances of a said officers, lynched and monorable of the law, are in many instances, and while in custoly of so-called officers of the law, are is many instances, and while in custoly of so-called officers of the law, are is many instances, and while in custoly of so-called informed of the law, are is many instances, and while in custoly of so-called informed of the law, are is in the solution of the solution and compelied to obey laws they is used and compelied to a bey laws they is the address continues: "Politikal parties."

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A Meeting of the Schedule Commit tes to be Held Today.

IMPORTANT BUSINESS ON HAND. The Question of Application to Be

Agreement to be Considered.

Omaha's New Catcher,

The schedule meeting of the Western base ball association will be held at the Millard hotel in this city tomorrow morning at 10 O'clock. Every claus in the association will send one or more representatives, making the number present abdut fifteen or sixteen. the number present about filteen or sisteen. The delegates from this city will be J. S. McCornick, president, and Ed O. Brandt, secretary of the Omain citab. Mr. McCor-mick, who is also president of the associa-tion, will preside at the meeting, which, judging by the past, will be of the very busy

judging by the past, will be of the very bury order. A committee consisting of representatives of the Denver, St. Paul and Sioux City clubs will draft a schedule and submit it to the as-sociation. Last year the meeting was in acc-son three days before a schedule could be greed upon, and Secretary Hraudt is strongly of the opinion that a similar strug-glo is on hand for this year's meeting. He also thinks it very probable that there will be a very lively wrangle over the question of where the clubs will open, these of the north wanting to open at home, while the southern clubs will think it advisation to come up at ther beelds that of a schedule to come up at the meeting," said Mr. Brandt last evening. "The association will probably consider the question of applying to the lengue to become a party of the first part to the inminoial agreement, as the Westeen association con-sider itself stronger than the Americas, as it tow stands. We have strong claims to meet for the the association con-sider stand for the towarker would be a saving to the association con-sider stand to the association con-sider its of stronger than the Americas, as it tow stands. We have strong claims to meet for club is now compelied to pay yourly, footing up \$2,000 altogether. An-other mature that will come up is the adop-tione in feach club is now compelied to pay yourly, footing up \$2,000 altogether. An-other mature that will come up is the adop-tione accountion.

other matter that will come up is the adop-tion of a constitution. "We have to lay signed Catcher Thayer of Toronto," continued Secretary Brandt, "and he is considered Tommy Nagle's equal. This fills the earthers, and indeed the entire club is now complete with the exception of sec-ond base. Canavan will play there provid-ing we cannot got the man we are after. If we fill the place Canavan will play his old position, that of left field." Mr. Brandt says that the season will prob-ably open on April 19.

WARD WANTS NO TRAITORS.

The Lengue Weicome to All the Brotherhood Deserters. NEW Yonk, Feb. 6.-ISpecial Telegram to The Birl, I-The most important declaration on the part of the players' lengue people since Judge O'Brian's decision was made yesterday. It was to the effect that the de-serters from the brotherhood who are now trying to get back to the players will proba-bly be refused admission. John M. Ward, when questioned on the subject, sud: "I am not' willing to let the me who de-

"I am not" willing to let the men who de "I am not willing to let the men who de-serted us in our hour of peril come back and onjoy the fruits of victory now that we have simoth sailing. This is merely as far as I go and does not reflect the sentiments of any one else. What will be done after the matter is brought up I am not able to predict, but from first to last I shall oppose their re-instationent. We want no traitors. The league can have them."

More Isjunctions Wanted Pantaneri-parts, Pa., Feb. 6.—Solicitor Rogers, for the Philadeiphia longues bail club, today filed in court three bills in equity against Fogarty, Sanders and Farrar, asking in each case to restrain the defendant fro playing ball with any other club or organiz tion in 1890 other than the plaintiff's club.

Hanton's Defi.

Hanlon's Defl. Durary, Minn., Feb, 6.-(Special Tele-gram to Tag Bgg.)-Edward Hanlon to-night announced: "I will row any man in the world on the waters of St. Louis bay, at Duluth for the world's championalip." This was brought out by the succass of the Du-luth toat club in raising a purse of \$10,000 for an international professional regotta here next August, to which \$5,000 will be added for the single soull world's champion-ship race. The regotta will last an entire week, and waluable trophes in addition to purses will be given.

AN INDIGNANT BISHOP.

AN INDIGNANT BISHOP. He Denownces the Canadian Con-servatives in Scathing Terms. Risoros, Out, Feb 6.-(Special Tele-gram to Tax Birs.)—Archbishop Cleary, in addressing a meeting of his church people at Tweed, referred to the semarate school ques-tion. He said that a diabolical spirit of haired of religious education had found its way into the province of Ontario. Satan had raison his standard there and had sent forth from the gates of hell his army of demons (equal rights association) to promagato his violed maxims throughout the cities and downs of the province of the list is the time oble province of the list is the bis violed maxims throughout the cities and downs of the province of the bis to the draw and the province of the bis to the seven the screed bond between the bishops, the chief pastors of the flack of Christ, and the failt of people committed to their care. In conclusion, the archibishop denounced Mardili, be conservative leader, mas the set of the conservative leader of the sender the site the conservative leader of the sender the failt of people constitute to the sender. the faithful people committed to their care. In conclusion, the archivishop denounced Merndith, the conservative leader, mast viz-orously, and predicted that the number of separate schools would continue to increase as usual, notwithstanding the agitation.

National Stove Makers. Cuicago, Feb. 6.-The National Stove Manufacturers' association continued its annual session today. The report of Score-

SOUTH DAKOTA MILLERS.

Proceedings of the Semi-Annual Meeting at Mitchell, Mitcurna, S. D., Feb. 6. - [Special Tole-gram to Hap]-Last night the semi-annual

Altronomia S. D., Fred. 6. - (Special Tole-gram to Hagi-1-Last high the somi annual meeting of the State Millors' association was hold hire. [Meanics President W. H. Stokes of Watertaway and Socretary U. A. Lum of Aberdeen school other millors wore in at-tendance. The shift business was regarding built now glading in the legislature. It was unanimously doubled that should somato buil its, providing for an act to control rates of toil or exchange for grinding become a law, a test case grineli dw mude of its constitu-Lanality at the explanal of the association. Bridessement was given a memorial to con-gress prepared by the National Millor as business in Should a the state of the consequent was given a memorial to consequent was given a memorial to consequent was given a memorial to concempond with Secretary Berry of the mational memorialing with reforence to unit ing the state to the national association. Haron was selected as the chace for the need meting, which will be held the second Tues-day in August.

They Secured the Last Chance They secured the new of - [Special CRAWNERLAIN, S. D., Feb. 6.- [Special Telegram to The Ben.] - The Chicago, Mil-wankee & St. Paul Railway company has leased the steamer Last Chance, which will be used as a transfer boat here which will b

Huron Boot and Shoe Failure

HURDS, S. D., Fob. 6 - |Special Telegram to THE BEE |-A. Linuander, a boot and shoe dealer, assigned today for the benefit of his creditors. Liabilitios, \$1,000; assets nearly as much. E. H. Aplin has charge of the stock, C. H. Pargo of Chicago and Geetkian & Co. of St. Paul are among the creditors.

South Dakota Legislatur

PIERRE, S. D., Feb. 6. - (Special Telegram to Turn Birg.) - Consideration of the tommer-ance bill was resumed in each branch of the legislature today. The senate finished on the bill, making only one important change before putting it on its final passage. The change consists in striking out section 26, which prohibits liquors being kept in private dwellings or other places for the exclusive use of the occupants or owners, and pro-vides for the use of search warrants to ena-ble officers to go mto any premases whatsoever in search of liquors and to then first fine or im-prison the person discovered kcoping them. This was considered the most radical feature of the bill and a strong fight was and eagainst it, the vote by which it was defeated being almost at lo. The senate set the date on which the law should become operative on May 1, which will necessitate a conference committee between the two bodies to agree. Meanwhile un restriction can be put on the sale of liquor in the state except such as the general government pro-vides through a heaven in the state except such as the general government pro-vides through a heaven in the state except such as the general government pro-vides through a heaven in the state except such as the general government pro-vides through a heaven in the state except such as the general government pro-vides through a heaven and the state except such as the section 26 in a coord-ance with the senate, subove stated, after a long debute and a close vote, in which the person of the section 26 in accord-ance with the senate, subove stated, after a long debute and a close vote, in which the dister a vote of the section 26 in accord-ance with the senate, subove stated, after a long debute and a close vote, in which the bill, as it now stands, is much milder in form, and the opposition to the measure con-sider that they have won a signal victory, hough the law will be stricter than any that now stands en the statute books of any other state. I latito ther barmes was ac-compliated to any, excitement over the pres-ont bill making at almost impossible to bring it ny. use of the occupants or owners, and pro-vides for the use of search warrants to ena-

reasonable rate during the comine year simply because it has been represented that the wheat lands are uon-productive and that the farmers are out of money and suffering from hunger. Both houses of the South Da, lota logislature passed a resolution the other day instructing the delegates in congress to youte to keep the world's fair away from Chi-curgo. I intend to follow ite recommenda-tion of the legislature, and I shall work against Chicago amply because the Chicago papers have lind about South Da-kota. Not ouly that, but I will see that the other delegates recorgress yote as 1 do and work as 1 do. Of course, If the South Dakto Legislature re-solid this action, why I will follow any rec-ommendition made. Before the papers pub-ished articles docaring that there was destitution to that ate most of the South Dakrota people favored Chicago for the fair. A resolution to that after was all south as you could that a dot the lossed by the lesitature. Now the people are all against this oity. You could that a that any thil south out of the south and the south south of a velocity of the south that a chicago man is both Dakota. They favor St. Lonis, or New York, or Washington or any thing to be the south of that a chicago in the south of the south and a chicago. simply beca

Nebraska and Iowa Pensi

WASHINGTON, Feb. 6.-[Special Telegram to The Bur.1-Pensions granted to Ne praskans: Original invalid-Robert J. Scott Beaver: Jonathan Wulliams, Springhank, Increase-Michael Connaughton, Dorsey; Joel H. Hancock, Carroll; Horace J. Sever-ance, Sidney; T. Shae, Ewing; William R. Spain, Indianapolis; Alfred Smith, Rulo; Spain, Indianapolis: Alfred Smith, Rulo; Orin A. Avery, Ecgar: Jamos Metlondy, Touas Patrick H. Marvin, Westervillo: Milton H. Wootworth, Ansiay: Goorge Mo-Cully, Bhawe W. Rober Poster, Aranaboe Lowa apoensions: Original invalid-Aara-nam W. Smedes, Marshalitowa; Henry J. Dowit, Gashert; Thomas C. Korcey, Inaon. Increase-Zophoniah Burroughs, Bristow; R. Staneberry, Libertyville; Eiljah W. At-more, Des Moines: Elliph J. Steward, Garri-oon; Lafayotte R. Havely, Kellorton; Jay W. Mitchell, Lomres; John Sidos, Carson; George Wynkoop, Magoolia; Francis M. Nelson, Ottumwa; John Summers, Kalo; Jarome Long, Honaparte; John E. Rose, Minburn, John Sumarte;

Francis M. Nelson, Ottumwai, John Summers, Kalo, Jerome Long, Monaparter, John E. Ross, Minbarat John W. Storks, Medianolis; Oscar D. Bringman, Evas; Ephriam Smith, Tatton; John M. Mitchell, Hubbard, Samuel L. Mohler, Swan; Joseph L. Smith, Ray; John Shourer, Gilbert Sta-tion; Herman Hachrolin, Des Mohlens; Henry W. Clark, Clear Lake; Iobert F. M. M. Slack, Columbra/Guieton (nav), Jamos H. Stack, Clear Lake; Iobert F. M. M. Slack, Claubraw, Edward H. Janes, Mi-Sonan, Guinabraw, Edward H. Janes, Mi-Istering; Lewis H. Owens, Birmingham, Reissue-Dimoton, J. Wilson, Bonaparte, Original widows, oki-Minerva Lackey, for-mer widow of Edward D. Hochcock, Columba South Daloca, "Original invalid -George F. North, Henry, Thereave-John C. Mo-ver, Siler; James Shanon, Wonsockat. The Beath Hecord.

THE SENATORS FROMMONTANA

They Are Two Republicans Name Sanders and Powers.

ENTITLED TO THEIR SEATS.

Decision of the Supreme Court of the State in the Silver Bow Contest - Comprehensive, Clear and Readable.

The Montana Senatorship. HULESS, Mont., Jan. 25.— (Special to The Hall— The supremu court today rendered a decision in the case of William Thompson, a member of the contesting republican dele-gration for Silver How counts. The effort of the decision will be to give the two republi-cans who were elected to the senate of the United States a montand indecasible title to their seats. I present a summary of the docision.

should constitute a cativising board as a the between to the election of member of the logistatine, was importent to make characteristic and the election of the territor and the election of such members of the territor of election of such members should be cau-by the county clerk, and that benoe i statute stands in full force, and the count cierk's certificate is the beat evidence of mergy's right to a sets in the legislative as semply. But no anthousing the success to brought to sustain the view. The question however, was raised in Tegas, the surpre-court of which state affirmed it as free fre doubt that the ordinance ampended to 1 constitution is a part of the fundamental however, was raised in the success of the doubt that the ordinance ampended to 1 constitution is a part of the fundamental of the land; is of equal authority and bin ing upon the excerting hegislative and dicial departments of the government of state, as if that been incorporated in "To lanch a new constitution certain a chinery and arrangements are sliways nee-sary, which having subserved this sin-purpose are of no further use. These min of ourse be provided in the constitu-tion, would be to encumber the constitu-tion, would be to encumber the instrum-with matters which indic to other constitu-tion is the body of a permission consti-tion would be to encumber the instrum with matters which form is to be drow The action was commenced on January 17 by William Thomson, irraying for a writi directed to the andlier of Montana, com-manding him to audit and settle affant's claim for mileage and per diom, as a member of the house. The affidavit assorts, among the thouse. of the house. The affidavit assorts, among other things, that the relator was a candi-date for representative from Silver Bow county; that the returns of the election were made to the secretary of Montana; that in doe time the vote was canvassed by the gov-ernor, chief justice and secretary of the territory, and he was declared to have been elected a member of the house. That on ince, such to incorporate the time constitu-ions into the body of a permissent const. Lion, would be to encounber the instrum-with matters which might more properly be excluded from the text of the construction and piaced io such a form is to be droot when all the uses for which it was provid in the provisions for mine the such that the ordinances or achieved. According provisions for innegrating new sta ordinances or achieved in the validity at a first of the provisions are precisely the same which or they are placed in the ord text of the constitution of the such that the same which we have a such that the text of the such as the form of detachs or interview of the such that the text of the such as the such that the text of the such as the such that the text of the constitution is the line that the same vertices cortificate is the of the text of the constitution of the constitution the ordinance framed by the constitution the ordinates in this respect stand without molification by the act of our prevail over them. This theory destroys itself by its in herent falleavy. If follows that the relator's certificate of such as the certificate of the field to the constitution and achieve the the provisions of the statutes in this respect stand without molification by the act of concress and the constitution and constitution is the field to its in herent fallacy. territory, and he was declared to have been elected a member of the house. That on November 23 last he with twenty-nine others holding similar credentials, met at the capital in a place agreed on with the additor, who called the house to order; that they took the oath presented by the con-constitution, and proceeded to organize the bouse, and that said house continued to sit 10 January 16. Those this abasis constitution, and proceeded to organize the house, and that said house continued to sit till January 16. Upon this showing, the supreme court issued a mandate requiring the auditor to audit the claim of the relator, or to show cause on January 20 willy be had not done so. To this mandate the auditor replied, admitting in dotail all the all firmative allocations, but allocing that of the term men-bers to which Silver How county is entilled, a controversary had arises in regard to five (of these five means of the section of the sector count of the sector of the sector of the sector of the the five means of the sector of the cast heir vide, no promotion of the present, and the organization is without hereins, and the organization is without hereins, and the organization is without hereins, and the organization is without hereins of the governor, chief justice and secretary of the governor, chief justice and secretary of the available become and to be members of the house on the authority of a cortificato sugged by the cirk and recorder of Silver Bow county. The relator Thompson denied that any controversy bad arisen as to the election, and passed on the contentions, a quorum was present and acted. The case was argued on this showing January 20, and was submitted to the count for decision. Construction and orminations, and preval over them. This theory destroys therefyill by its in-herent failacy. It follows that the relator's certificate of election emanates from the logally consti-tuted carvassing board, and will be admit-ted in the action as evidence of his election to the office in quastion. The relator is con-titled to the relief praved for. That relief is a duty evidence of the state auditor. The writ of mandamus is the proper remedy herein, wherefore it is ordered that a per-omptory writ of mandamus be issued in the form provided by law. - The opinion was prepared and read by As-sintant Justice Harwood, and was concurred in by Assistant Justice DeWitt. Chief Jus-tiles Blaich baving been a member of the can-vassing board meuticeed in the opinion, the not sit in the bearing and determination of action. The opinion is fall would occupy dive colument, which both on account of the great importance of the case, and of sts superior meets as a decision will take a place among the leading decisions of the day and of this country.

Bow county. The relator Thompson denied that day an ir yversy had arisen as to the quoran was present on the condentials, a quoran was present on the condentials, and the second of the count for the case of the fight for metependence. William O. Alc. Dowell, national vice president of the socialy of the Sons of the American Revolution called unon the French minister and in the name of the society congratulated him upon the return of this analycerary. The min-ister said be valued highly the affectionate regard which the people of the United States had for France and thanked the society for its work in perpetating the good feeling be-tween the two countries. Verdict on the Tracy Fire. Washingwox, Feb 6. The coronor's in-quest in the Tracy fire is closed and the jury's verdict is that Josephine Morel came to ner ceath by the burning of the Tracy residence. The cause of the fire is unknown and the lose of life at the fire was incredy due to its exceptionally rapid spread. the tribunal having jurisdiction to try an determine the same. This is not only it rule of action governing courts; it is ti practice adopted in the organization of logi-lative bodies, admitting members there until the prima facies evidence contained the certificate δI election of the canvassie board is set aside by the proper authority the determination of a contested election. It become necessary in the present case-metrian what board or porson is by haultorized to canvase the returns of the rela-tion question and determine the relato claims to be a member does not determine controvery as to the election of the relato then in the nature of the uses there exists a better evidence of his runt than the finding of the ecrificate of the legally constitute any spont. The order so we have over it matter was pending in the house, this cou-would withold judgment valit the conte was determined. Wreck on the Fannanute. Cottaines, O., Feb. G.-A Pannandle trai-collided this afternoon with another passen ger 115 miles east of Columbus. Enginee Martin and Firoman Turner wore injured. though not aeriously. The passengors wore greatly excited but none were injured. Eaw Wolton in Kinsas City. Kassas City, No. Feb. 6. - William Smith of this city claims to have seen F. A. Wal-ton, who robuot the Pacific express company of \$85,000, in this city on Monday, but does not know where he has gone.

rouid withhold judgment until the cont ons determined. The relator's certificate of election er ates from a canvassing board, composed was determined. The relator's certificate of election ema-nates from a cavrassing board, composed of the governor, chici-jusice and secretary of the territory; the other certificates emanate from the county clerk of silver How county. The act of congress enabling Montana and the other states to form a state consti-tution and set up a state government, atipu-lates that "until the states officers are elected and qualified under the provisions of such constitution, and the states officers are clerk addition into the union, the territorial officers shall continue to discharge the dities of their respective offices in each of said ter-ritories." The same act provides that "the state government shall remain in abayance until the states and provides that "the state government shall remain in full force as laws of the state reflects and that with the constitution of the state officers and and be considered state officers and that in the constitution of the state officers and and the dist state form officient officient and the state state motion results and with the constitution of the state officers and and be considered state officers and that all officers shall remain in full force as haws of the state number officient posi-tions and be considered state officers and there shall state officers and that the state officers and appendix to the constitution, provides for an election on the first Tuesday of October, 1889, on the adoption of the constitution, and that on the same day there should be elected among other officers the members of the lag.

EDWIN FORREST.

struction of grand juries. Whereas t statute of the territory provided that it body should consist of sitteen jurors, whom twelve could find a true bill, the sits constitution prevides that it shall consist six persons, of whom five are competent

constitution provides that it shall consist of six persons, of whom five are competent to find an indictional. It is continued by the complainment, that the ordinances formed by the constitutional convention and appendic to the constitution were not a part of that instrument, and did not have the force of con-stitutional provisions; and that for this reason the provision that the governor, chief justice and secretary of the territory should constitute a carvassing board and decide the result of the election of members of the logislature, was importent to make a

Joseph Jefferson Pays a Tribute the Great Tragedian.

Joseph Jefferson Pays a Tribute of the Great Tragetion. From Joseph Jefferson's notebild graphy, now remning in the Century signation of the following. "Edwin Forrest with all his fails, and warm mid great graphy, now remning in the Century signation of the following of the term of the term of the following of the term of the following of the term of term a wiscer and more oven-tempered mat has Edwin Forest. Still he toiled on and was unjustly consured for acting past his powers. But what was he the do? His powers. But what was he the must be kept in motion or it would fall His performances in the largor child were given to empty houses, while bright and youthful aspirants were drawing from him all his old alher ents. His former friends forsook him and naturally, too, they could not be the pain of witnessing them favorite on other days declining night by night. No actor can hope to hold an interest in bis audience merely by what he has done in years goue by in netting it is with not the past. To witness are and decrepted e struggling to conceal their wakness in the millie scene is to see him stills the less can we bear to see him stills the less can we bear to see him stills the less can be bear to see him stills the less can be bear to see him stills the less can be bear to see him stills the less can be bear to see him stills the less can be bear to see him stills the less can be bear to see him stills the less can be bear to see him stills the bear bought the provinces. The the past, but from the carb the protor and go dows.

GOLD ALL GONE.

GOLD ALL GONE. An Abandonet Gold Field Which In Now a Pracefol Vulage. The abandoned gold field near Beach-worth, Australia, spreads its bare ster-ile surface like an oasis in the center ef-a hilly region of densely-wooted ranges. It is some 300 miles up-country from the emptal, and 5.500 feet above the level of the sea. Primeval forest lies altaroand. Standing on a near elevation, trees, and nothing but trees, seen to stretch away in counties leagues on either hand to the distant horizon. Yot through this wilderness the gold-escort in the old days had to make its way to the solard.

through this wilderness the gold-escort in the old days had to make its way ta the scaboard. A cluster of forest giants in the non-foreground stands like scalinois along the ridge beyond which a steen deelly-ity runs down to the sinuous steens which a little farther on has a fall of 450 feet. Today the wasted stream manders at the foot of the irregular wooded hills beyond an penefully as of did, before its ancient way was rudely dis-turbed by the sudden irruption of strange men who hore no resolublance to the wandering native tribes who had reared their min-mins and lighted their foreat fires beside its undrid banks for coundless ages. On the sheltered side of one of these slopes beneath the trees are a few grave mounds, indicat-ing where some of the fallen slope. Appropriately enough, the stream is of a brownish-yellow color and quild oraque, stenling noiselessly along unit, with a sudden, mather-like spring, it makes its great leap, a taway mass of turbid water, without sporkle, as though still thick from the washing of the di-gers creades. It is soon lost in the winding recesses, and again trees, ever revealing in measured gradation, until bleat in the deep blue haze of the Aus-traling back.

tralian bush. Concealed for the moment by the ris-

Anniversary of Feench Aid. Assursoros, Feb. 6.—Today being the h anniversary of the signing of the ty which resulted in France extending to the United States in the t for independence. Walliam O. Ale

Verdict on the Tracy Fire

Wreck on the Panhandle

Handed Over to the Police

WAS

treaty wi ald to fight for

cases. Feb. 6.—An order has been issue-directing Secretan and others connectes with the collapse of the Societie des Metaus to be handed over to the correctional polici to be dealt with.

treasury, and some of the members ex-pressed the epision that the expanses for the forthcoming event should be not out of the funds on hand, while others thought -special assessment the thing. It was finally decided to please everybody by mayin, part of the expenses from the club' purse and the rest by subscribton. The date of holding the bacquet and the place were not decided upon, but a committee was appointed to take charge of both.

Rearrier & Hlack Hills Director. Kranser, Neb., Feb. 6. -[Special Tele-gran to The Ben.] - The stockholders of the formation of the Ben.] - The stockholders of the restors: E. C. Davidson, John H. Hamilton, V. C. Tillson, W. E. Davidson, J. L. Lom-bard, Webster Eaton and C. L. Davidson, The directors chase the following officers: Fersion, E. C. Davidson, A concession where the stock and the stock of the stock feering of the the stock of t

Sund by the Administrator. Sund by the Administrator. Super, Neb, Feb. 60. [Special Tele to Tur Bar.]-J. J. Marton, adminat of the estate of France Trans. cash the defunct State of this who committed today brought s court against J. Sobarmer claums that bin as security for m Special Telegram osh, administrator rgan, cashier of f this place

Reward for NERRASES CIT, N Telegram to Tan Ber were sholon a few u named Horman Po The matter was re who offered a rew and thief.

Areasted for Numaska Cirr Telogram to Tau mirderous assas ker, a farmer pearme, but ref victim has re

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WILHELM'S SUGGESTION.

English Comment on the Proposed

Conference . Longon, Feb. 6. - The Standard's Berlin LONDOX, Feb. 6.—The Standard's Herlin correspondent says the main purpose of the emperor's decree is to reader unaccessary any exceptional and social legislation after the expiration of the limit within which the law has force. The correspondent says the effect of the emperor's decress can only be com-pared to that produced by the news of the Prussian victories in 1566 and in 1570. The emperor's and in terms of similar sugrestion. The Austrian press praises highly the noble initiative but is steptical as to the success of such a conference. summer county per to rties to \$4,000. given

nithitive but is suspicer as to the house of acts a conference. The finnes' Heriin correspondent believes he semi-official journals are correct in their theopent that the chancellor acquiseces in remperors socialistic policy and observes the Bismarck neuver cared a great deal for real consistency.

a consistency. Leyden's Piez Denied. ao Feb. 6. Governor Filer today to parios Michael Leyden, one of the "boddle" commissioners now in non. Leyden's prayer was that the spout in jall at Chicaro the appent ho the subreme hold be applied on his new. The governor decimed to the scale of the subreme will be stated on his new. The governor decimed to the scale of the subreme will be state "hondle" con-versatil, Wasseman and Yau-reseast, Hair terms exeruing puters pics for parios was to regain as citizenship.

tary Thomas was read and discussed and resolutions of respect for the late John S. Perry, the oldest member of the association, were adopted. The association closed its doors tonight. All troubles over the expenses of the secre-tary's office were soliton and the present secretary, D. M. Thomas, elected president.

National Guard Association. Washivors, Feb. 6. -The National Guard association convention has adopted a me-morial, which will be presented to congress, favoring the Cutcheon seasonst defease bill, the Hawley bill providing for appointments in the arms from the mational guard, such the Honderson mobilization bill with some amendments. Congress is asked for a na-tional guard appropriation of \$1,000,000.

Appointed His Private Secretary. Appointed his Private Secretary. New Yonx, Feb 6. — This atteration Mayor Grant surprised everybody by ampointing to the vacant chamberlainship his private sec-retary. T. Crane, a well known young law-yer and prominent in political circles. It is not knows whicher this appointment is per-tinant if Croker definitivy retress their that yers the job and use takes a hand in Tam-many affuirs.

many affairs. Bismarck and Fineles Shake.' Banta, Feb. 6.-The confirmation of the Samoan treaty by the United States affords general astisfaction here. Count Herbert Bismarck called upon Minister Pholps at the Anatom legation this members and con-gratulations were schanged.

A Diamond Haul. CLEVELAND, O., Fou 6.-Sneak thieves to-night stole \$6,600 worth of diamonds and other jeweiry from the resultance of J. B. Perkins.

Floming Insugurated. Chantesroy, W. Va., Feb. 6. – Governor Floming was inaugurated today. This even-ing there was a brilliant reception at the state house.

The Blath Hecord. Naw Yons, Feb. 4 - Eamond William Cortees, president of the back of America, is dead.

is dead. 4041 GLRX'S FALLA'N'Y., Pob. 6.—The Man-sion hotel bursed searly this morning. Stephen Cole, a French dictor, was budly burned and a number of guests and very narrow escapes from being burned to death Curcaso, Feb. 6.—Prof. Oncer Howes, for many years professor of modern lan-guages in the University of Chicago, died here today.

References, References, Peter & Actions Tabled. Wassiverox, Peter & -in the executive sension of the senate today the motions made by Edmunds in reference to the Samoan treaty were tabled, whereupon Edmunds stated that he desired that he be accused from further service on the foreign relations committee.

Tit for Tat.

Ilt for Tat. SCRANTON, PA., Fob. 6. -Dowderty today instituted a suit for criminal libel against Edward Callaghan. A warrant for Calla-chan's arrows will be haund tomorrow. The case grows out of matter written by Calla-ghan during the remain trouble with Pow-derly.

<text>

A WHIPPED DUCK.

How Chinese Duck-Herders Take Care of their Flocks.

<text><text><text><text>

The United States of America are practically owned by less than two hun-drud and fifty thousand persons constr-tuting less than one in sixty of its adult main population. Within thirty years the present methods of taxation being continued, the United States of America will be substantially owned by less than fifty thousand persons, constituting less than one in five hundred of the male adult population.

+



This powder nover varies. A marvel of purity strength and wholesomenous. More socialized than the ordinary kinds, and cannot be soldly competition with the multivide of low test short weight along or housing powders. Sold only in the noise. Royat. Has no Powness Co. 16 Wall 52 (N.Y.